

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

QUINTON A. GRIMES,

Plaintiff,

v.

Case No. 21-C-1467

MILWAUKEE COUNTY, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Quinton Grimes is a prisoner confined at the Milwaukee County Jail who is representing himself in this 42 U.S.C. §1983 case. On December 27, 2021, along with his complaint, Grimes filed a motion for leave to proceed without prepaying the filing fee. The Prison Litigation Reform Act applies to this case because Grimes was incarcerated when he filed his complaint. That statute allows prisoners to proceed without prepaying the full filing fee if, when they have assets or means, they first pay an initial partial filing fee. 28 U.S.C. §1915(b). On February 25, 2022, the Court ordered Grimes to pay an initial partial filing fee of \$23.00 within thirty days or advise the Court in writing why he was unable to submit the assessed amount. Dkt. No. 10. On April 8, 2022, at Grimes' request, the Court extended his deadline to pay the fee to May 9, 2022. Dkt. No. 12. The Court warned Grimes that, if it did not receive the fee by the deadline, the Court would dismiss this action. The revised deadline has passed, and the Court has not received the fee nor has Grimes informed the Court of any challenges he faced in arranging submission of the fee.

IT IS THEREFORE ORDERED that Grimes' motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** based on his failure to pay the initial partial filing fee, and this case is **DISMISSED without prejudice** based on his failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Grimes must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Grimes shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from Grimes' prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Grimes is transferred to another institution, the transferring institution shall forward a copy of this Order along with Grimes' remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to Milwaukee County Sheriff and to Dennis Brand, 821 W. State Street, Room 224, Milwaukee, WI 53233.

Dated at Green Bay, Wisconsin this 3rd day of June, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge